

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

UNITED STATES OF AMERICA :
vs. : **CRIMINAL NO. 07-00298-WS**
HAM XAYSANA :

ORDER

This cause is before the Court on the Government's Motion to Continue Trial (Doc. 22).

In this motion, the Government states that Defendant has been recharged by a superseding indictment which was returned on November 27, 2007, and that, in this superseding indictment, co-defendants have been added to the drug distribution conspiracy charge and additional substantive offenses involving the co-defendants have also been added. Some or all of these added co-defendants have not been arrested, and Defendant has not been arraigned on the new superseding indictment. This action, which has been proceeding on the original indictment, is set for jury selection on December 3, 2007, one business day following entry of this order, and only a few days following the return of the superseding indictment.

Citing controlling caselaw, the Government submits that the jointly indicted co-defendants should be tried together to further the interests of judicial economy and for the purpose of effecting the efficacious administration of justice. The Government is asking that this Court continue the trial of the original Defendant, so that this Defendant can be joined in a single trial with the recently added co-defendants. This, the Government argues, would eliminate the hardship on the Government's witnesses and would eliminate needless duplication of effort by the Court, the prosecution, and defense counsel.

This motion and these matters were discussed with counsel during a telephone conference

conducted on November 28, 2007. Counsel for Defendant voiced his generalized opposition to the Government's motion.

Upon consideration of all matters presented, pursuant to Title 18, United States Code § 3161(h)(8)(A), the Court finds that the ends of justice outweigh the best interests of the Defendant and the public in a speedy trial and that the Government's motion is due to be and is hereby GRANTED.

Accordingly, the trial of this action is hereby CONTINUED and this matter is referred to the Magistrate Judge for arraignment on the new superseding indictment, and for the scheduling of a new trial date with the newly added co-defendants.

DONE and ORDERED this 29th day of November, 2007.

s/**WILLIAM H. STEELE**
UNITED STATES DISTRICT JUDGE